

MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

* * * * *

CLAIMANTS: Scott E. Kremer; YBI LLC; Kelly S. & Rebecca R. DeMaree Revocable Trust; Joseph M. Sperano Sr.; Joseph M. Sperano Jr.; Joyce Sperano; Tina M. Sperano; Cleo M. Huber; Fred A. Huber; Reizene LLC; Xanterra Parks & Resorts Inc.; Tracy K. Diem; Yoshifumi Neff; Allen W. Hoppe; Patrick W. Hoppe; Kevin Dore; Samuel Dore; Tim Dore; Beth Sirr; Michael A. Sirr; Franklin G. Strauss; Sabina V. Strauss; Douglas S. Berringer; Rebecca A. Berringer; Todd M. Koel	CASE 43B-0303-R-2022 43B 13185-00 43B 13186-00 43B 35490-00 43B 35530-00 43B 37059-00 43B 39160-00 43B 143518-00 43B 192203-00 43B 192209-00 43B 192576-00 43B 193585-00 43B 193586-00 43B 193587-00 43B 193646-00 43B 193727-00 43B 193730-00
OBJECTORS: United States of America (USDA Forest Service); Tracy K. Diem; Yoshifumi Neff	

**ORDER APPROVING STIPULATION, INCORPORATING CHANGES, AND
CLOSING CASE**

I. INTRODUCTION

On May 31, 2022, the Water Court issued an order consolidating this case. There were three main issues to resolve: an objection filed by the United States of America (USDA Forest Service) against claim 43B 13186-00; an objection filed by Tracy K. Diem and Yoshifumi Neff against claim 43B 192209-00; and a decree exceeded issue remark added to all claims by the Department of Natural Resources and Conservation during

claims examination. Claims examination confirms the historical use of water right claims and identifies issues with claims. If claims examination cannot confirm some aspect of a claim, an issue remark is added to the claim. The Water Court is required to resolve all objections and issue remarks.

An initial telephonic status conference was held on June 28, 2022, during which the parties agreed to participate in mediation to attempt to resolve the issues. Mediation was successful and a *Stipulation and Agreement* was submitted on January 30, 2023. All parties except the United States, Samuel Dore, Kevin Dore, Tim Dore, and Rebecca Berringer signed the settlement agreement.

On June 21, 2022, Tracy K. Diem filed an *Affidavit* stating, “Since we have owned the property we have irrigated 1 acre.” Implementing the requested acreage change resolves the objection filed by Tracy K. Diem and Yoshifumi Neff against claim 43B 192209-00.

On February 1, 2023, the United States filed a *Notice of Resolution of Objection*. The United States indicated its objection would be resolved if the Court implemented the changes requested in the *Stipulation and Agreement*.

Due to their failure to participate in mediation and their failure to sign the *Stipulation and Agreement*, the Court issued an *Order Setting Show Cause Filing Deadline* for Samuel Dore, Kevin Dore, Tim Dore, and Rebecca Berringer on February 6, 2023. The order stated failure to respond would result in the Court adopting the *Stipulation and Agreement* and closing the proceedings. Samuel Dore, Kevin Dore, Tim Dore, and Rebecca Berringer failed to respond.

II. ISSUES

1. Should the *Stipulation and Agreement* be approved?
2. Are the objections resolved?
3. Are the issue remarks resolved?

III. ANALYSIS

1. Should the *Stipulation and Agreement* be approved?

The *Stipulation and Agreement* was submitted to resolve the decree exceeded issue. A decree exceeded issue occurs when two or more claims are filed on the same decreed right, and the combined claimed flow rates of the claims exceed what was determined in a prior court decree. District Court Case No. 7556 decreed a water right to Joe Papesh Sr. in the amount of 60 miner's inches (MI) (equivalent to 1.5 cubic feet per second (CFS)). All claims in this case are based on the Joe Papesh Sr. 60 MI right, and many claimed the entirety of the 60 MI flow rate, leading to the decree exceeded issue remark.

The stipulation states all claimants use the full flow rate on a rotational basis, pursuant to the deeds from Mr. Papesh to each subdivided landowner. Therefore, the stipulation requests that all claims except stock claim 43B 13186-00 should have a flow rate of 1.5 CFS. The stipulation requests the standard flow rate information remark for stock claim 43B 13186-00.

All claims except 43B 13186-00 and 43B 193586-00 appeared in the 43B Preliminary Decree with a flow rate of 1.5 CFS. Claim 43B 13186-00 appeared in the Preliminary Decree with the standard stock claim flow rate information remark. The flow rates for all claims except 43B 193586-00 are consistent with the stipulation and do not require changes. Claim 43B 193586-00 appeared in the 43B Preliminary Decree with a flow rate of 134.64 gallons per minute (GPM).¹ The flow rate for 43B 193586-00 should be modified to 1.5 CFS as requested in the stipulation.

The *Stipulation and Agreement* requests the addition of the following remarks to memorialize the shared use of the flow rate:

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00;

¹ The original Statement of Claim form claimed a flow rate of 150 MI (3.75 CFS). Sometime between the filing of the Statement of Claim in 1981 and the early 1990s, the flow rate was reduced to 134.64 GPM (0.3 CFS). It is unclear why it was reduced.

43B 193586-00; 43B 193587- 00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

The *Stipulation and Agreement* also requests that claims 43B 13185-00 and 41B 13186-00 be identified as multiple uses of the same appropriation of water.

All owners except Samuel Dore, Kevin Dore, Tim Dore, and Rebecca Berringer signed the *Stipulation and Agreement*. The Court's *Order Setting Show Cause Filing Deadline* provided these four parties with the opportunity to respond and show cause why the Court should not adopt the *Stipulation and Agreement* and implement the requested changes. They did not respond. The changes requested in the *Stipulation and Agreement* resolve the decree exceeded issue and the United States' objection against claim 43B 13186-00. Therefore, the terms of the *Stipulation and Agreement* are approved and the requested changes are implemented.

Although not requested in the *Stipulation and Agreement*, the priority date of claim 43B 13185-00 should be modified. Claim 43B 13185-00 appeared in the Basin 43B Preliminary Decree with a priority date of May 15, 1914. All other claims in this case have a priority date of June 1, 1914. The *Stipulation and Agreement* states all claims in this case are based on the Joe Papesh Sr. 60 MI right. Therefore, all claims should have the same priority date. The priority date of claim 43B 13185-00 will be modified from May 15, 1914 to June 1, 1914 to be consistent with all other claims based on the Joe Papesh Sr. 60 MI right.

2. Are the objections resolved?

The United States filed a *Notice of Resolution of Objection*, indicating its objection to claim 43B 13186-00 would be resolved if the Court adopted the *Stipulation and Agreement*. The settlement agreement is approved, which resolves the United States' objection.

Tracy Diem and Yoshifumi Neff own claim 43B 192209-00, which appeared in the Basin 43B Preliminary Decree with a 0.25-acre place of use. Tracy Diem and Yoshifumi Neff's objection to their claim states they historically irrigated 11 acres, rather than 0.25 acres. Tracy Diem's June 21, 2022 *Affidavit* clarifies that, while the property is 11 acres, they have irrigated 1 acre since they have owned the property.

Although Tracy Diem's *Affidavit* requests an increase in acreage (from 0.25 acres to 1 acre), the increase will resolve the objection to 43B 192209-00 and will more accurately describe the irrigated acreage associated with the claim. The place of use and maximum acres should be changed to 1 acre. Implementation of the place of use and maximum acres change on claim 43B 192209-00 resolves the objection filed by Tracy Diem and Yoshifumi Neff.

3. Are the issue remarks resolved?

All claims in the case except 43B 193586-00 received the following decree exceeded issue remark:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 60 MINER'S INCHES DECREED IN CASE NO. 7556 , PARK COUNTY. 193727-00, 13185-00, 35530-00, 37059-00, 39160-00, 35490-00, 13186-00, 192203-00, 192576-00, 193586-00, 193587-00, 193646-00, 193730-00, 143518-00, 192209-00, 193585-00.

The issue remark has been resolved by the flow rate information remark requested in the *Stipulation and Agreement*. The remark should be removed.

Claims 43B 13185-00 and 43B 13186-00 appeared in the Basin 43B Preliminary Decree with the following issue remark:

POINT OF DIVERSION AND DITCH NAME WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The remaining claims in the case received the following issue remark:

DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

These two issue remarks provide notice of standardization of the point of diversion and/or ditch name elements of the claims pursuant to reexamination orders issued by the Water Court. The objections to these claims are resolved by the changes requested in the stipulation. No other party objected to these elements. The remarks have served their purpose and can be removed.

Many claims received an issue remark stating the flow rate exceeded the state guideline of 17 GPM per acre. The *Stipulation and Agreement* attests to the historical accuracy of the 1.5 CFS flow rate for each claimant's property. The information in the *Stipulation and Agreement* overcomes the information resulting in the issue remark. The flow rate issue remark is resolved and should be removed from all claims on which it appeared.

Nearly all claims in this case appeared with some form of the following issue remark:

THE FOLLOWING REMARK APPEARS TO BE ERRONEOUS AND SHOULD BE REMOVED: THIS RIGHT IS DECREED TO THE OWNERS OF THE WATER RIGHT NUMBERS FOLLOWING THIS STATEMENT. THE WATER COURT DECREES THIS RIGHT AND MAKES ALL CLAIMANTS OF THE RIGHT A MATTER OF RECORD. 43B 35490-00, 43B 35530-00, 43B 37059-00, 43B 39160-00, 43B 143518-00, 43B 192576-00, 43B 193585-00, 43B 193587-00, 43B 193646-00, 43B 193727-00, 43B 193730-00, 43B 192203-00, 43B 192209-00, 43B 35490-00.

This remark does not raise an issue requiring resolution. The issue remark should be removed from the claims.

Claim 43B 193585-00 appeared with the following issue remark:

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS,
AS OF 09/28/2017 , THE PROPERTY ON WHICH THIS WATER
RIGHT IS USED APPEARS TO BE OWNED BY DORE SAMUEL.

Samuel Dore is a co-owner of claim 43B 193585-00. The remark does not raise an issue requiring resolution. The remark should be removed from the claim.

Claim 43B 193586-00 appeared with the following issue remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS
FOR A USE RIGHT ON LITTLE TRAIL CREEK WITH A PRIORITY
DATE PREDATING CASE NO 7556, PARK COUNTY. IF NO
OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF
HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS
SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE
REMOVED.

No party objected to the priority date or type of historical right on claim 43B 193586-00. The remark does not raise an issue requiring resolution. The issue remark should be removed from the claim.

Claim 43B 193730-00 appeared with the following issue remark:

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS,
AS OF 09/28/2017 , A PORTION OF THE PROPERTY ON WHICH
THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY KOEL
TODD M.

Todd M. Koel is a co-owner of claim 43B 193730-00. The remark does not raise an issue requiring resolution. The remark should be removed from the claim.

All issue remarks are resolved and therefore removed.

IV. CONCLUSION AND ORDER

The January 30, 2023 *Stipulation and Agreement* is approved. The two information remarks requested in the *Stipulation and Agreement* should be added to all claims in this case. Claims 43B 13185-00 and 43B 13186-00 should be identified as multiple uses of the same appropriation. Claim 43B 13185-00 should be amended to reflect a June 1, 1914 priority date. Claim 43B 192209-00 should be amended to reflect a

1-acre place of use. The objections are resolved. The issue remarks are resolved. The claims will appear in the Basin 43B Final Decree as shown on the post decree abstracts attached to this order.

This case is CLOSED.

ELECTRONICALLY SIGNED AND DATED BELOW.

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Note: Service List Updated 4/4/2023

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 13185-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: SCOTT E KREMER
PO BOX 492
GARDINER, MT 59030 0492

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 1.50 CFS
THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

***Maximum Acres:** 12.00

Source Name: LITTLE TRAIL CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 15 TO SEPTEMBER 15

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 15 TO SEPTEMBER 15

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	12.00		W2SE	5	9S	8E	PARK

Total: 12.00

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

13185-00

13186-00

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 13186-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: SCOTT E KREMER
PO BOX 492
GARDINER, MT 59030 0492

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWNE	8	9S	8E	PARK

Period of Diversion: MAY 15 TO NOVEMBER 1

Diversion Means: DITCH

Ditch Name: PAPESH DITCH

Period of Use: MAY 15 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2SE	5	9S	8E	PARK

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

13185-00 13186-00

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 35490-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: YBI LLC
PO BOX 245
GARDINER, MT 59030

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 2.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.00		NENW	5	9S	8E	PARK

Total: 2.00

Remarks:

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 35530-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DEMAREE, KELLY S & REBECCA R REVOCABLE TRUST
DEMAREE KELLY S & REBECCA R TRUSTEES
PO BOX 54
GARDINER, MT 59030

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 3.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3.00		NENW	5	9S	8E	PARK

Total: 3.00

Remarks:

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 37059-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: JOYCE SPERANO
16 MAIDEN BASIN RD
GARDINER, MT 59030

TINA M SPERANO
14 MAIDEN BASIN RD
GARDINER, MT 59030

JOSEPH M SPERANO SR
16 MAIDEN BASIN RD
GARDINER, MT 59030

JOSEPH M SPERANO JR
14 MAIDEN BASIN RD
GARDINER, MT 59030

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 5.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5.00		SEnw	5	9S	8E	PARK
Total:	5.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

37058-00 37059-00

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 39160-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CLEO M HUBER
1013 PAISLEY DR
BELGRADE, MT 59714 8388

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 3.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3.00		SENW	5	9S	8E	PARK

Total: 3.00

Remarks:

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 143518-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: REIZENE LLC
7532 STAGECOACH DR
PARK CITY, UT 84098 5334

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 4.01

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4.01	2	NWNENW	5	9S	8E	PARK

Total: 4.01

Remarks:

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192203-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: XANTERRA PARKS & RESORTS INC
6312 S FIDDLERS GREEN CIRCLE STE 600
GREENWOOD VILLAGE, CO 80111 4943

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 5.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: APRIL 25 TO OCTOBER 5

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5.00		SWSWNE	5	9S	8E	PARK

Total: 5.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192202-00

192203-00

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192209-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: TRACY K DIEM
PO BOX 1007
GARDINER, MT 59030 1007

YOSHIFUMI NEFF
PO BOX 1007
GARDINER, MT 59030 1007

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 1.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.00		SENWSE	5	9S	8E	PARK

Total: 1.00

Remarks:

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192576-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PATRICK W HOPPE
PO BOX 1141
GARDINER, MT 59030 1141

ALLEN W HOPPE
412 N 21ST AVE
GARDINER, MT 59030 3134

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 15.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	15.00		S2SE	5	9S	8E	PARK

Total: 15.00

PLACE OF USE IS DESCRIBED AS TRACT W, CERTIFICATE OF SURVEY NO. 181, PARK COUNTY.

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192192-00

192576-00

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193585-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: SAMUEL DORE
1106 W PARK ST #116
LIVINGSTON, MT 59047

TIM DORE
2 CORTNEY'S WAY
GREYCLIFF, MT 59033

KEVIN DORE
PO BOX 1431
BIG TIMBER, MT 59011 1431

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 1.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.00	19	N2SWSE	5	9S	8E	PARK

Total: 1.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

4172-00

30640-00

193585-00

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193586-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BETH SIRR
1290 STORY MILL RD
BOZEMAN, MT 59715

MICHAEL A SIRR
1290 STORY MILL RD
BOZEMAN, MT 59715

Priority Date: JUNE 1, 1914

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 8.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3.00		W2SWSE	5	9S	8E	PARK
2	5.00		SWSWNE	5	9S	8E	PARK
Total:	8.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

193586-00

193587-00

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193587-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BETH SIRR
1290 STORY MILL RD
BOZEMAN, MT 59715

MICHAEL A SIRR
1290 STORY MILL RD
BOZEMAN, MT 59715

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 8.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3.00		W2SWSE	5	9S	8E	PARK
2	5.00		SWSWNE	5	9S	8E	PARK
Total:	8.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

193586-00

193587-00

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193646-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: JOSEPH SPERANO JR
14 MAIDEN BASIN RD
GARDINER, MT 59030

JOYCE SPERANO
16 MAIDEN BASIN RD
GARDINER, MT 59030

TINA SPERANO
14 MAIDEN BASIN RD
GARDINER, MT 59030

JOSEPH M SPERANO SR
16 MAIDEN BASIN RD
GARDINER, MT 59030

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS AFTER FINAL DECREE UPON REQUEST OF THE OWNERS.

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 9.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twtp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.00		SEnw	5	9S	8E	PARK
Total:	9.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

193645-00 193646-00

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193727-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: FRANKLIN G STRAUSS
PO BOX 245
GARDINER, MT 59030

SABINA V STRAUSS
PO BOX 245
GARDINER, MT 59030

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 2.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.00		SWNENW	5	9S	8E	PARK

Total: 2.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

193726-00

193727-00

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193730-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners:

DOUGLAS S BERRINGER
7160 E LAKESHORE DR
WALKERVILLE, MI 49459 9589

REBECCA A BERRINGER
7160 E LAKESHORE DR
WALKERVILLE, MI 49459 9589

TODD M KOEL
PO BOX 727
YELLOWSTONE NATIONAL PARK, WY 82190

Priority Date: JUNE 1, 1914

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE COMBINED FLOW RATE OF THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED THE DECREED 1.5 CFS: 43B 192576-00; 43B 13185-00; 43B 192203-00; 43B 193646-00; 43B 37059-00; 43B 39160-00; 43B 193730-00; 43B 35530-00; 43B 143518-00; 43B 35490-00; 43B 193586-00; 43B 193587-00; 43B 192209-00; 43B 193585-00 AND 43B 193727-00.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 3.00

Source Name: LITTLE TRAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PAPESH DITCH

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3.00		NENW	5	9S	8E	PARK

Total: 3.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

193730-00

193731-00

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN THE FILE FOR CASE 43B-0303-R-2022.